

# **EXHIBIT 7**

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Page 1

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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IN RE GOOGLE PLAY STORE Case No.  
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:  
Epic Games Inc. v. Google LLC, et al.,  
Case No: 3:20-cv-05671-JD

In re Google Play Consumer  
Antitrust Litigation,  
Case No: 3:20-cv-05761-JD

In re Google Play Developer  
Litigation,  
Case No: 3:20-cv-05792-JD

State of Utah, et al.,  
v. Google LLC, et al.,  
Case No: 3:21-cv-05227-JD

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\*HIGHLY CONFIDENTIAL - UNDER PROTECTIVE ORDER\*

REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF  
MICHAEL MARCHAK  
Wednesday, January 12, 2022  
Volume 1 (Pages 1-358)

Reported By: Lynne Ledanois, CSR 6811

HIGHLY CONFIDENTIAL

Page 15

1 MS. CHIU: Good morning.

2 This is Michelle Park Chiu from  
3 Morgan Lewis & Bockius on behalf  
4 of defendants Google. Also with  
5 me is Nina Dutta and Alex Zbrozek.

6 VIDEOGRAPHER: Thank you.  
7 Would the court reporter please  
8 swear in the witness.

9  
10 MICHAEL MARCHAK,  
11 having been duly sworn, testified as follow

12 EXAMINATION

13 BY MS. SWEENEY:

14 Q Good morning, Mr. Marchak.

15 A Good morning.

16 Q As you heard, I am an  
17 attorney for the developer class  
18 plaintiffs. And the way we're doing  
19 these depositions is one attorney for  
20 one plaintiff group will take the  
21 first set of questions and then I will  
22 I'll pass you off to my co-counsel.

23 Is that okay?

24 A Yes.

25 Q Okay. And are you

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Page 16

1 represented by counsel today?

2 A Yes.

3 Q Okay. And that's Ms. Chiu?

4 A Yes, I believe so.

5 Q Okay. And have you ever  
6 been deposed before?

7 A No.

8 Q Okay. I know that you've  
9 probably gone over this with your  
10 counsel. But just as a reminder, you  
11 understand that everything you say  
12 today is under penalty of perjury, so  
13 you have to tell the truth?

14 A I do.

15 Q Is there any reason why you  
16 cannot give complete and truthful  
17 testimony today?

18 A No.

19 Q And as you can tell, the  
20 whole proceeding is being recorded and  
21 the court reporter is taking down  
22 every word that I say and every word  
23 that you say.

24 So in order to make her life  
25 easier, it's important that we not

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Page 70

1       one of the things of building  
2       ecosystem, I think when we've gotten  
3       users and developers to invest, they  
4       will be able to make money.

5           Q       Below these bullet points on  
6       the same page of this slide deck it  
7       says, "Goal is to identify short-term  
8       commercial programs that can mitigate  
9       these risks."

10                  Do you see that?

11           A       I do.

12           Q       And was it around this time  
13       that Google developed Project Hug?

14                  MS. CHIU: Object to form.

15                  THE WITNESS: Project Hug,  
16       which we now refer to as Games  
17       Velocity Program.

18                  I think it started in 2019.

19       But it may be around this time  
20       generally.

21       BY MS. SWEENEY:

22           Q       Was that one of the  
23       commercial programs that Google  
24       engaged in in order to address the  
25       risks posed that are reflected in this

HIGHLY CONFIDENTIAL

Page 71

1       bullet point -- in these bullet  
2       points?

3                   MS. CHIU:   Object to form.

4                   THE WITNESS:   I don't know.

5               I don't really recall this deck.

6   BY MS. SWEENEY:

7               Q       Well, aside from the deck,  
8       are you familiar with Project Hug?

9               A       I am.

10              Q       Okay.   And do you know --  
11     I'm sorry, I think you answered that  
12     you thought it started some time  
13     around 2019?

14              A       I believe so, that's my  
15     recollection.

16              Q       Was Project Hug a commercial  
17     program in response to risks of  
18     certain developers launching off Play?

19                   MS. CHIU:   Object to form.

20                   THE WITNESS:   Project Hug  
21     was a commercial program with the  
22     goals of ensuring users had access  
23     to the best games content and our  
24     game developers are getting the  
25     most value from Google Play or

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Page 72

1 from Google.

2 BY MS. SWEENEY:

3 Q And you can't have the most  
4 games and content if developers of  
5 those great games and content launch  
6 off Play; right?

7 A It would be users would have  
8 access to that content, so, yes,  
9 that's correct.

10 Q So is your answer yes, that  
11 Hug was in part a response to the risk  
12 that developers would launch their  
13 products off Play?

14 MS. CHIU: Object to form.

15 THE WITNESS: Again, I think  
16 the way I always viewed it and  
17 continue to view it is it's about  
18 making sure users have access to  
19 content and ensuring that  
20 developers are getting the most  
21 value from their relationship with  
22 Google and Google Play.

23 BY MS. SWEENEY:

24 Q Well, aside from how you  
25 view it, can you just answer my